

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Terrance Gillespie,

Plaintiff,

Case No. 22-10567

v.

Judith E. Levy

United States District Judge

Egeler Reception and Guidance
Center,

Mag. Judge Patricia T. Morris

Defendant.

_____/

ORDER OF DISMISSAL

On or about March 8, 2022, Plaintiff Terrance Gillespie filed this action against Defendant Egeler Reception and Guidance Center (“RGC”) in the Western District of Michigan. (ECF No. 1.) On March 16, 2022, the case was transferred to the Eastern District of Michigan. (ECF No. 3.) On April 11, 2023, the Court issued an opinion and order granting Plaintiff permission to proceed without prepaying the filing fee and requiring Plaintiff to submit a certified account statement to support his application within 30 days. (ECF No. 9, PageID.11–13, 17.) The Court also explained that Plaintiff’s complaint failed to state claim under 42. U.S.C. § 1983 for violations of his civil rights because Defendant RGC

was not a proper defendant. (*Id.* at PageID.14–17.) However, the Court concluded that Plaintiff may be able to assert a § 1983 claim against a proper defendant or may be able to assert a claim against Defendant RGC under the Americans with Disabilities Act. (*See id.*) As such, the Court indicated that, if Plaintiff wanted to proceed with his claims, he must file an amended complaint within 30 days. (*Id.* at PageID.17.) The Court also stated that “[i]f Plaintiff elects not to do so, the Court will dismiss Plaintiff’s complaint.” (*Id.*) Plaintiff did not file an amended complaint by the deadline the Court imposed, May 11, 2023.

On November 16, 2023, the Court ordered Plaintiff to show cause in writing by December 15, 2023 why the case should not be dismissed for failure to prosecute. (ECF No. 12.) The Court also indicated that “Plaintiff may satisfy this show cause order by submitting an amended complaint.” (*Id.* at PageID.25.) Plaintiff did not respond to the show cause order or file an amended complaint.

Accordingly, the Court DISMISSES this case WITHOUT PREJUDICE due to Plaintiff’s non-compliance with the Court’s show cause order and his failure to demonstrate any effort to prosecute the case against Defendant. *See* Fed. R. Civ. P. 41(b); E.D. Mich. LR 41.2;

Schafer v. City of Defiance Police Dep't, 529 F.3d 731, 736 (6th Cir. 2008);

Link v. Wabash R. Co., 370 U.S. 626, 630–33 (1962).

IT IS SO ORDERED.

Dated: January 4, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 4, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager